

BOX PCT

09/423575

"Express Mail" mailing label number EM589592654US

520 Rec'd PCT/PTO 39 NOV 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER		
ARNO114646		
U.S. APPLICATION NO. (if known see 37 C.F.R. 1.5)		
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/IB98/00821	14 May 1998 (14.05.98)	14 May 1997 (14.05.97)
TITLE OF INVENTION		
PLANT GENE CONSTRUCTS AND THEIR USE		
APPLICANT(S) FOR DO/EO/US		
SMEEKENS, Sjef; WEISBEEK, Peter; and PROVENIERS, Marcel		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information by Express Mail:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 37 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
- a. is transmitted herewith (required only if not transmitted by the International Bureau).
- b. has been transmitted by the International Bureau.
- c. is not required, as the application was filed in the United States Receiving Office (RO/US).

LAW OFFICES OF  
CHRISTENSEN O'CONNOR  
JOHNSON & KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
(206) 682-8100

09/423575

420 Rec'd PCT/PTO 09 NOV 1999

- 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. have been transmitted by the International Bureau.
  - c. have not been made; however, the time limit for making such amendments has NOT expired.
  - d. have not been made and will not be made.
- 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- 10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

- 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
- 12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included..
- 13a. A FIRST preliminary amendment.
- 13b. A SECOND or SUBSEQUENT preliminary amendment.
- 14. A substitute specification.
- 15. A change of power of attorney and/or address letter.
- 16. Other items or information:
  - a. Copy of Request (PCT/RO/101).
  - b. Copy of International Preliminary Examination Report (PCT/IPEA/409), with annex of amended claim sheet pages 36 and 37 (claims 1-17).
  - c. Copy of International Search Report (PCT/ISA/210).
  - d. Copy of Notification of the Recording of a Change (PCT/IB/306).

LAW OFFICES OF  
CHRISTENSEN O'CONNOR  
JOHNSON & KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
(206) 682-8100

09/423575

420 Rec'd PCT/PTO 09 NOV 1999

<input checked="" type="checkbox"/> 17. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):</b>					
Search Report has been prepared by the EPO or JPO ..... \$840					
International preliminary examination fee paid to USPTO (37 CFR 1.482) .. \$670					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$760					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$96					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$970</b>					
Surcharge of \$130 for furnishing the oath or declaration later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(e)). \$--					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	17 - 20 = 0		X \$18	\$--	
Independent claims	7 - 3 = 4		X \$78	\$312	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)				+ \$260	\$260
<b>TOTAL OF ABOVE CALCULATIONS = \$1,542</b>					
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$--	
<b>SUBTOTAL = \$1,542</b>					
Processing fee of \$130 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f). +				\$--	
<b>TOTAL NATIONAL FEE = \$1,542</b>					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$--	
<b>TOTAL FEES ENCLOSED = \$1,542</b>					
				Amount to be: refunded	\$
				charged	\$

LAW OFFICES OF  
CHRISTENSEN O'CONNOR  
JOHNSON & KINDNESS<sup>PLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
(206) 682-8100

09/423575

420 Rec'd PCT/PTO 09 NOV 1999

17a. Check No. 110899 in the amount of \$1,542 to cover the above fees is enclosed.

17b. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1740. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Dennis K. Shelton  
CHRISTENSEN O'CONNOR JOHNSON & KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, WA 98101

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON & KINDNESS<sup>PLLC</sup>

  
Dennis K. Shelton  
Registration No. 26,997  
Direct Dial (206) 695-1718

**EXPRESS MAIL CERTIFICATE**

"Express Mail" mailing label number EM589592654US

Date of Deposit November 9, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Karen L. Lee  
(Typed or printed name of person mailing paper or fee)

[Signature]  
(Signature of person mailing paper or fee)

DKS/cj

LAW OFFICES OF  
CHRISTENSEN O'CONNOR  
JOHNSON & KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
(206) 682-8100

-1-

420 Rec'd PCT/PTO 09 NOV 1999

PLANT GENE CONSTRUCTS AND THEIR USE

The present invention relates to novel plant gene constructs, and to their use in controlling the flowering of plants. It further relates to plants containing such constructs.

Plants differ from animals. The adult plant body is formed post-embryonically by the continuous activity of the shoot and root apical meristems. The shoot apical meristem is established during plant embryogenesis and together with cotyledons, hypocotyl, embryonic root and root meristem makes up the basic body plan.

- 15 The shoot apical meristem starts as a cluster of about one hundred cells and is the source of the whole aboveground portion of the plant. During the vegetative phase of plant development this meristem gives rise to (a rosette of) leaves, stem, and quiescent axillary meristems. This is followed by the formation of secondary inflorescences, cauline leaves and determinate floral meristems after floral induction. Flowering involves complex interactions of gene products that regulate a switch in shoot meristem identity. Factors determining the expression levels of these genes are genotype and environmental stimuli, such as photoperiod, temperature and light quality. How the transition is affected by these stimuli is still largely unknown.
- 30 One of the most important events in the plant life cycle is the decision to enter the reproductive phase. A wide range of environmental and endogenous signals controls this transition of the vegetative phase into the reproductive phase. Important signals are day length, temperature  
35 (vernalization), nutrient and water availability and

-2-

several phytohormones esp. gibberellin (GA). These signals induce a shift in vegetative apical meristem identity, named the floral transition, and this transition establishes the inflorescence meristem. Whereas the product 5 of the vegetative apical meristem are leaf primordia, the inflorescence meristem produces primordia that differentiate into secondary inflorescences during early generative development and into flowers later in this stage. In plant breeding research, control of this process 10 is a most important goal for a variety of crops. This is especially true for rosette plants like lettuce, spinach and sugar beet, which show rapid stem elongation (bolting) following the floral transition, and this makes the crop useless.

15 The transition from vegetative to reproductive growth is a critical developmental event, and because it is the first step of sexual reproduction it is of great importance in agriculture, horticulture, and plant breeding. Farmers may 20 wish to advance or retard the time of flowering, or prevent it altogether: for example to prevent 'bolting' in e.g. lettuces or sugar beet. A better understanding of the molecular biology of plant flowering will allow it to be controlled or influenced in a number of ways, giving 25 important practical benefits to agriculture.

In PCT Publication WO96/14414, use of the *Constans* (CO) gene to modify flowering mechanisms in plants is disclosed.

30 The present invention proposes a way of influencing a plant's transition from vegetative to reproductive growth, by providing transformed plants in which the transition is delayed, or brought forward, by expression of specific transgenes influencing this process. Such genes may be 35 constitutively expressed, or expressed only in response to

an external stimulus, for example environmental or chemical.

5 ATH1 is an *Arabidopsis thaliana* homeobox gene. It is described by Quaedvlieg et al., in Plant Cell 7, 117-129, 1995 (herein incorporated by reference): its DNA sequence is given in Figure 1 of that paper. It was isolated from a light-induced transcription factor collection. It is  
10 expressed in young seedlings and flowers. ATH1 mRNA levels in etiolated seedlings are strongly light-dependent (phytochrome) and are also light-adaptive.

We have now established that the protein product of ATH1 is  
15 involved in the developmental switch from vegetative to generative growth. As a result of ATH1::GUS studies and initial 35S::ATH1 studies, we have deduced that ATH1 has a function in the transition of the vegetative apical meristem to an inflorescence meristem. Specifically, ATH1  
20 acts as an anti-gibberellin, by repressing GA synthesis or possibly the GA response pathway: Example 6 illustrates this.

Our studies on ATH1::GUS constructs have revealed that in  
25 young, light-grown seedlings ATH1 is expressed in all three layers of the shoot apical meristem and leaf primordia. In young, still developing leaves ATH1 is expressed in vascular tissue. This expression disappears in developed leaves. Remarkably, ATH1 meristem expression is restricted  
30 to the vegetative phase of development. As soon as *Arabidopsis* starts flowering (vegetative to generative transition) and the shoot apical meristem has become an inflorescence meristem, ATH1 expression in the meristem is downregulated. During the inflorescence phase ATH1 is at a  
35 low level expressed in developing vascular tissue of the

-4-

stem. Later in plant development, when flowers arise, ATH1 is expressed in different parts of the young flower (receptacle, sepals and vascular tissue of stamen). Our hypothesis that ATH1 is involved in controlling the phase transition from vegetative to generative growth is further corroborated by the flowering time phenotypes of ATH1 sense and antisense over-expressors. Plants ectopically overexpressing antisense ATH1 show an early-flowering phenotype: conversely, most plants carrying a sense ATH1 overexpression construct are late flowering. A small proportion of the plants carrying the overexpression construct are, due to ATH1 reduction by co-suppression, early flowering, like the antisense ATH1 over-expressors, and the phenotype of these plants resembles that of the terminal flower mutant (Shannon and Meeks-Wagner, 1991) and the phenotypes of LEAFY- (Weigel and Nilsson, 1995), APETALA 1- (Mandel and Yanofsky, 1995) and CONSTANS (Putteril et al., 1995) over-expressors. Based on these results, combined with the ATH1::GUS data, we deduce that ATH1 is involved in controlling the phase transition from vegetative to generative growth in *Arabidopsis thaliana*, and probably is a flowering time gene.

In consequence, this transition may be promoted by inhibiting the expression of the ATH1 gene: or retarded or prevented by promoting such expression.

Accordingly, the present invention provides a plant gene construct comprising a complete or partial DNA sequence coding for an ATH1 gene product under the control of a promoter functional in plants. The promoter is preferably heterologous. The invention further comprises plant cells transformed with a such a plant gene construct, and plants comprising such cells having modified flowering properties. The invention further comprises a process for modifying the

flowering process in plants by transforming plants with a construct according to the invention.

The use of gene sequences to inhibit or promote gene expression is quite well understood. A complete gene sequence, under the control of a promoter that operates effectively in the plant, will generally overexpress the gene product, leading to an amplification of the effect of the protein so produced. Sometimes the gene product is reduced: this phenomenon is termed "co-suppression". Reduction of the gene product is also generally obtained by using a dominant negative mutation, or by reversing the orientation of the gene sequence with respect to the promoter so that it produces "antisense" messenger RNA.

A DNA construct according to the invention may be an "antisense" construct generating "antisense" RNA or a "sense" construct (encoding at least part of the functional protein) generating "sense" RNA. "Antisense RNA" is an RNA sequence which is complementary to a sequence of bases in the corresponding mRNA: complementary in the sense that each base (or the majority of bases) in the antisense sequence (read in the 3' to 5' sense) is capable of pairing with the corresponding base (G with C, A with U) in the mRNA sequence read in the 5' to 3' sense. Such antisense RNA may be produced in the cell by transformation with an appropriate DNA construct arranged to generate a transcript with at least part of its sequence complementary to at least part of the coding strand of the relevant gene (or of a DNA sequence showing substantial homology therewith). "Sense RNA" is an RNA sequence which is substantially homologous to at least part of the corresponding mRNA sequence. Such sense RNA may be produced in the cell by transformation with an appropriate DNA construct arranged in the normal orientation so as to generate a transcript

-6-

with a sequence identical to at least part of the coding strand of the relevant gene (or of a DNA sequence showing substantial homology therewith). Suitable sense constructs may be used to inhibit gene expression (as described in 5 International Patent Publication WO91/08299) or a sense construct encoding and expressing the functional protein may be transformed into the plant to over-express the protein.

10 DNA constructs according to the invention may comprise a base sequence at least 10 bases (preferably at least 35 bases) in length for transcription into RNA. There is no theoretical upper limit to the base sequence - it may be as long as the relevant mRNA produced by the cell 15 - but for convenience it will generally be found suitable to use sequences between 100 and 1000 bases in length. The preparation of such constructs is described in more detail below.

20 As a source of the DNA base sequence for transcription, a suitable cDNA or genomic DNA or synthetic polynucleotide may be used. The isolation of suitable ATH1 sequences from *Arabidopsis* is described in Quaedvlieg et al., above: similar methods may be used to isolate ATH1 25 sequences from other plants. These may have greater or lesser degrees of homology with ATH1 sequences from *Arabidopsis*. Sequences coding for the whole, or substantially the whole, of the protein may thus be obtained. Suitable lengths of this DNA sequences may be 30 cut out for use by means of restriction enzymes. When using genomic DNA as the source of a partial base sequence for transcription it is possible to use either intron or exon regions or a combination of both.

To obtain constructs suitable for modifying expression of ATH1 in plant cells, the cDNA sequence as found in the protein cDNA or the gene sequence as found in the chromosome of the plant may be used. Recombinant DNA constructs may be made using standard techniques. For example, the DNA sequence for transcription may be obtained by treating a vector containing said sequence with restriction enzymes to cut out the appropriate segment. The DNA sequence for transcription may also be generated by annealing and ligating synthetic oligonucleotides or by using synthetic oligonucleotides in a polymerase chain reaction (PCR) to give suitable restriction sites at each end. The DNA sequence is then cloned into a vector containing upstream promoter and downstream terminator sequences. If antisense DNA is required, the cloning is carried out so that the cut DNA sequence is inverted with respect to its orientation in the strand from which it was cut.

In a construct expressing antisense RNA, the strand that was formerly the template strand becomes the coding strand, and vice versa. The construct will thus encode RNA in a base sequence which is complementary to part or all of the sequence of the protein mRNA. Thus the two RNA strands are complementary not only in their base sequence but also in their orientations (5' to 3').

In a construct expressing sense RNA, the template and coding strands retain the assignments and orientations of the original plant gene. Constructs expressing sense RNA encode RNA with a base sequence which is homologous to part or all of the sequence of the mRNA. In constructs which express the functional protein, the whole of the coding region of the gene is linked to

transcriptional control sequences capable of expression in plants.

For example, constructs according to the present invention may be made as follows. A suitable vector containing the desired base sequence for transcription (such as the pATH1 cDNA clone) is treated with restriction enzymes to cut the sequence out. The DNA strand so obtained is cloned (if desired, in reverse orientation) into a second vector containing the desired promoter sequence and the desired terminator sequence. Suitable promoters include the 35S cauliflower mosaic virus promoter and the tomato polygalacturonase gene promoter sequence (Bird et al, 1988, Plant Molecular Biology, 11:651-662) or other developmentally regulated plant promoters. Suitable terminator sequences include that of the Agrobacterium tumefaciens nopaline synthase gene (the nos 3' end).

In a DNA construct according to the invention, the transcriptional initiation region may be derived from any plant-operative promoter. The transcriptional initiation region may be positioned for transcription of a DNA sequence encoding RNA which is complementary to a substantial run of bases in a mRNA encoding the ATH1 protein (making the DNA construct a full or partial antisense construct).

The transcriptional initiation region (or promoter) operative in plants may be a constitutive promoter (such as the 35S cauliflower mosaic virus promoter) or an inducible or developmentally regulated promoter, as circumstances require. For example, it may be desirable to modify protein activity at certain stages of the plant's development. Use of a constitutive promoter

will tend to affect protein levels and functions in all parts of the plant, while use of a tissue-specific promoter allows more selective control of gene expression and affected functions. Thus the antisense or sense RNA is only 5 produced in the organ in which its action is required.

The DNA constructs of the invention may be inserted into plants to regulate the expression of the ATH1 gene resulting in modification of plant characteristics (in 10 particular flowering). Depending on the nature of the construct, the production of the ATH1 gene product may be increased, or reduced, either throughout or at particular stages in the life of the plant. Generally, as would be expected, production of the protein is enhanced only by 15 constructs which express RNA homologous to the substantially complete endogenous protein mRNAs. Full-length sense constructs may also inhibit protein expression. Constructs containing an incomplete DNA sequence shorter than that corresponding to the complete 20 gene generally inhibit the expression of the gene and production of the proteins, whether they are arranged to express sense or antisense RNA.

A DNA construct of the invention is transformed 25 into a target plant cell. The target plant cell may be part of a whole plant or may be an isolated cell or part of a tissue which may be regenerated into a whole plant. The target plant cell may be selected from any monocotyledonous or dicotyledonous plant species. Plants may be derived 30 from the transformed plant cell by regeneration of transformants and by production of successive generations of the transformants' progeny.

Constructs according to the invention may be 35 used to transform any plant using any suitable

-10-

transformation technique to make plants according to the invention. Both monocotyledonous and dicotyledonous plant cells may be transformed in various ways known to the art. In many cases such plant cells (particularly when they are 5 cells of dicotyledonous plants) may be cultured to regenerate whole plants which subsequently reproduce to give successive generations of genetically modified plants. Any suitable method of plant transformation may be used. For example, dicotyledonous plants such as tomato and melon 10 may be transformed by *Agrobacterium Ti* plasmid technology, such as described by Bevan (1984, Nucleic Acid Research, 12:8711-8721) or Fillatti et al (Biotechnology, July 1987, 5:726-730). Such transformed plants may be reproduced sexually, or by cell or tissue culture. Monocots may be 15 transformed by use of the gene gun. Other methods for plant transformation include microinjection and electroporation.

Examples of genetically modified plants according to the present invention include cereals, for example rice and 20 maize, wheat, barley, oats and rye. Other important seed products are oilseed rape (canola), sugar beet, sunflower, soya and sorghum. Most crops are grown annually from seed and the production of seed of any kind depends upon the ability of the plant to flower, to be pollinated and to set 25 seed. In horticulture, control of the timing of flowering is important. Horticultural plants whose flowering may be controlled include lettuce, endive and vegetable brassicas including cabbage, broccoli and cauliflower, and carnations and geraniums.

30

The main characteristics of modified plants according to the invention are early or delayed flowering. Genotypes in which production of the ATH1 protein is inhibited generally flower early: genotypes in which it is stimulated flower

-11-

late. Other effects on plant phenotype may also be observed, e.g. dwarf habit, for example in tobacco.

Control of the time of flowering may be useful for several  
5 reasons. For example, flowering may be controlled to provide flowers or fruit at the time most appropriate for marketing. In hybrid production, flowering of male and female parents may be co-ordinated. It is most convenient to do this by the use of inducible gene promoters,  
10 responsive to external stimuli, for example application of chemicals. An example of such a promoter is the maize glutathione-S-transferase isoform II gene promoter, activated by application of a known herbicide safening agent (WO93/01294 to ICI).

15 Bolting control may be economically important in several crop species. For example, in sugarbeet, producing varieties which have a reduced tendency to bolt after cold treatment would be of great use. Processing factories  
20 could spread their activities over a longer period of time, with significant savings in overheads. Bolting-resistant varieties could be sown very early in the season (February) or even the year before in autumn (provided winter frost was not a problem). Further, varieties in  
25 which bolting is increased may be bred faster: crossings may be carried out annually instead of biannually as at present.

Early flowering sunflower would have an extended  
30 geographical range. It could be grown further north (north of Paris), and possibly in drier regions, e.g. parts of Spain, avoiding periods of drought later in summer.

In vegetables, bolting may be controlled in for example  
35 lettuce and endive. This would allow growing the crop more

-12-

easily during summer. Existing varieties tend to bolt rather rapidly under summer conditions. In grasses, reduced (or no) bolting is beneficial for fodder types (improved feed quality) and amenity types (better quality lawns).

5

It will on occasion be of advantage to time the expression of transgenes to stop when flowering starts, or suppress naturally-occurring genes until flowering starts. This may be done using the ATH1 promoter to control expression of a 10 transgene, or transcription of DNA homologous to a natural gene. Accordingly it is a further separate feature of the invention to provide a DNA construct comprising the ATH1 promoter linked to heterologous DNA so as to cause transcription thereof in plant cells: and plant cells 15 transformed with such DNA constructs.

ATH1 is expressed in the vegetative apical meristem, and downregulation of this expression coincides with floral transition. Forced constitutive expression of ATH1 results 20 in a dramatic repression of floral transition both in *Arabidopsis* and tobacco: thus, in the case of *Arabidopsis* bolting is postponed. Conversely, repression of ATH1 results in an early flowering phenotype. Our results suggest that ATH1 exerts its function through modulation of 25 GA biosynthesis or responsiveness. We expect the ATH1 gene to be the basis of a particularly useful bolting control system.

#### Day length and floral transition

30

The floral transition has been particularly well investigated in *Arabidopsis thaliana*. This species has become the model system for studying floral transition: at the genetic level through the isolation of flowering-time 35 mutants; and at the molecular level through cloning of

genes whose products participate in the control of floral transition. *Arabidopsis* is a typical rosette plant in which the vegetative leaves are closely spaced due to reduced internode elongation. Upon floral transition the newly formed internodes rapidly elongate ('bolting'). In most *Arabidopsis* ecotypes day length is of major importance in determining floral transition. *Arabidopsis* is a facultative long day (LD) plant, which means that floral transition is hastened by long days (16 hours light/8hours dark cycle), but there is no obligate requirement for it. Under long day (LD) conditions floral transition is rapidly initiated and only a few rosette leaves are formed (~7 leaves, 16-20 days for the Col-0 ecotype). When grown under short days (SD), e.g. 8 hrs light/16 hrs dark, floral transition takes much longer (~60 days) and a full leafy rosette is formed which can have in excess of ~30 rosette leaves (Col-0 ecotype).

**Gibberellic acid (GA) and floral transition**

It has been known for a long time that GA treatment promotes floral transition in a variety of plant species. Most species in which applied GA can induce flowering are long-day or cold-requiring plants, and many of these normally grow as rosettes under non-inductive conditions. Moreover, several experiments suggest that endogenous GA levels are involved in controlling floral transition: conditions that induce floral transitions can exert their effect through elevation of endogenous GA levels probably at or near the apical meristem.

*Arabidopsis* mutants defective in GA biosynthesis (GA series) or insensitive to this hormone (GAI series) show a late flowering phenotype under non-inductive conditions and moreover, the severe GA1-3 mutant is also late flowering under inductive conditions (Wilson et al., 1992).

**Involvement of GA in ATH1 control of floral transition**

We tested whether exogenous GA can overcome the inhibitory  
5 effect of constitutive ATH1 expression in tobacco. Most  
remarkably, GA spraying was able to 'rescue' the late  
flowering phenotype in constitutive ATH1 expressers in  
tobacco. An involvement of GA was also indicated by the  
10 reduced internode elongation phenotype in the tobacco ATH1  
expressers. These findings suggest that ATH1 functions as  
a repressor of GA biosynthesis or, alternatively, of GA  
responsiveness. The dominant effect of ATH1 over-  
expression on floral transition in combination with the  
reversion of this effect by exogenously added GA suggests  
15 several uses in a variety of crops. This is especially  
interesting since deregulated expression of ATH1 does not  
lead to pleiotropic phenotypes and reversion of the  
overexpression phenotype is complete. Complete rescue  
means that there will be no problems regarding reproduction  
20 or multiplication of ATH1-transformants: thus maintaining  
the transgenic lines, which can be a serious problem with  
flowering mutants, is straightforward. Using the GA switch,  
plants can be reversed to wild-type development at any  
moment, plants flower normally, and there is a normal seed  
25 set.

Accordingly, it is a further feature of the invention to  
inhibit over-expression of ATH1 in plants genetically  
modified according to the invention by treating the plants  
30 with a gibberellin, for example gibberellin A3 or A4/A7.

**Increase of harvest index**

When plants grow in close proximity, shade-avoidance  
35 syndrome, in which plants react to far-red radiation

-15-

reflected from neighbors, is manifested. This most obviously results in a rapid and dramatic increase in the extension growth of stems and petioles at the expense of leaf growth, storage organ production, and reproductive development. It is known that by overexpression of phyA genes in tobacco the shade-avoidance response can be overcome, resulting in an increased harvest index (Robson et al., 1996). Harvest index is expressed as leaf biomass as a proportion of total biomass. Overexpression of ATH1 in tobacco causes a reduction in stem growth, while leaf growth and number stay unaffected or even increase compared to wild type. As ATH1 overexpression phenotypes and phyA overexpression phenotypes are similar, this suggests using ATH1 overexpression to increase harvest index in crops.

The invention will be further described with reference to the following Examples and Experiments, which illustrate certain aspects of our invention: and with respect to the drawings, in which:

Figure 1 gives the DNA sequence of ATH1 cDNA; Figure 2 is a diagram of the plasmid pWP90; Figure 3 is a diagram of the plasmid pMOG23; Figure 4 is a diagram of the plasmid pVDH275; Figure 5 is a bar graph showing the dwarfing caused by constitutive expression of ATH1 in 90 days old tobacco plants;

Figure 6 is a graph showing the effect of gibberellin treatment on the height of tobacco plants overexpressing ATH1;

Figure 7 is a bar graph showing flowering time (in terms of number of rosette leaves formed) for under- and over-expressors of ATH1 in comparison with wild-type *Arabidopsis* (C24 ecotype).

35 **General Methods**

Plant material and plant growth conditions

The wild-type genotypes used were *Arabidopsis thaliana* 5 Columbia and C24. The ATH1 gene is located on chromosome 4, between the RFLP markers mi431 (96.9 cM) and O6455 (97.9 cM). *Arabidopsis thaliana* Columbia was used in plant transformation experiments using the vacuum infiltration protocol, while *Arabidopsis thaliana* C24 was used in plant 10 transformation experiments using the root transformation protocol.

Plants were grown in a growth chamber under fluorescent light with a photoperiod of 16 hours followed by an 8 hours 15 dark period at a continuous temperature of 22°C.

To measure flowering time seeds were imbibed and placed at 4°C for 4 days to break dormancy and were then sown on soil. Germinating seedlings were usually covered with 20 propagator lids for the first 1-2 weeks to prevent dehydration.

**Transformation of *Arabidopsis* plants**

25 Binary constructs containing chimeric ATH1-GUS genes and 35S-antisense ATH1 genes were transformed into *Arabidopsis thaliana* ecotype C24 using the *Agrobacterium tumefaciens*-mediated root transformation method of Valvekens et al. (1988). Transformants were selected on medium containing 50 30 mg/l kanamycin.

Binary constructs containing chimeric 35S-ATH1 genes were transformed into *Arabidopsis thaliana* ecotype Columbia using the vacuum infiltration protocol (Bent et al. (1994); 35 Bechtold et al. (1993)) with some modifications. Plants

-17-

were grown separately in 5.5 cm pots. Plants were transformed after appearance of the first siliques on the secondary bolts.

- 5 900 ml cultures of *Agrobacterium tumefaciens* containing the appropriate construct were grown the night before the day of infiltration, cells were harvested by centrifugation and resuspended in an equal volume of infiltration medium, containing 2% instead of 5% sucrose. Plants were  
10 infiltrated by submerging entire rosettes and bolts for 10 minutes under a vacuum pressure of 100mm Hg.

Transformant seeds were selected on medium containing 50 mg/l kanamycin.

15

#### EXAMPLE 1

##### **ATH1 expression analysis**

##### **20 Total RNA isolation**

- Total RNA from plants was isolated according to De Vries et al. (1988) with some minor modifications: (1) plant tissue was ground in liquid nitrogen in the presence of half the  
25 volume of phenol/extraction buffer and heated to 65°C in a water-bath and (2) the RNA was ethanol/Na-acetate precipitated before and after LiCl precipitation.

##### **RNAase protection analysis**

30

- The HindIII-XbaI fragment of phagemid ATH1 was cloned into pBluescriptSK(-) (Stratagene) and digested with HindIII to produce a T7 RNA polymerase template. The ATH1 RNA probe protects a fragment of 140 nt. RNA probe was synthesized  
35 by using T7 RNA polymerase (Pharmacia) and buffer as

-18-

described by the manufacturer, except that 160  $\mu$ Ci of [ -  $^{32}$ P]UTP (800 Ci/mmol) was used. RNAase protection was done by using 10  $\mu$ g of total RNA and 10 $\mu$ g of tRNA according to the protocol described by Sambrook et al. (1989). The 5 digested mixture contained 600 units/ml RNAase T1 (Gibco BRL) and 20  $\mu$ g/ml RNAase A (Boehringer). RNA:RNA hybrids were analyzed by sequence gel electrophoresis (6% polyacrylamide/ 7M urea) and visualized by autoradiography.

10 **Construction of chimeric ATH1-GUS constructs**

A SpeI-NcoI fragment containing approximately 1300 nucleotides of ATH1 promoter sequence was isolated. After filling in the NcoI site with Klenow-polymerase, this 15 fragment was inserted into the unique SmaI/XbaI sites of the pBi101.1 binary vector which contains the GUS gene (Jefferson et al., 1987), creating a translational fusion between the ATH1 promoter and the GUS gene. The protein encoded by this chimeric gene consists of 42 aa of ATH1 20 fused to the GUS protein. The binary construct was called tH1.4. tH1.4 was transformed into competent *Agrobacterium tumefaciens* LBA4404 cells (Gelvin and Schilperoort, 1988). *Arabidopsis* lines (ecotype C24) were transformed as described below.

25

***In situ* localization of GUS activity in transgenic ATH1-GUS *Arabidopsis thaliana* lines**

Seedlings and plant tissues were collected and stained for 30 1 to 16 hours at 37°C in a solution containing 0.5 mg/ml X-Gluc (Biosynth AG) dissolved in n-dimethyl-formamide, 0,1% Triton X-100, 0.5 mM K4Fe(CN)<sub>6</sub>.H<sub>2</sub>O, 0.5 mM K3Fe(CN)<sub>6</sub> and 50 mM sodium phosphate buffer, pH 7.2.

35 **Light microscopy**

After X-Gluc staining, plant tissues were fixed overnight in a solution containing 1% glutaraldehyde and 4% formaldehyde in 50mM sodium phosphate buffer, pH 7.2.

5 Subsequently seedlings were dehydrated in gradual steps: 10%, 30%, 50%, 70%, 90% and 2x 100% ethanol. Large plant tissues were pre-embedded first in 1% agarose (Sigma). Infiltration and embedding in Technovite 7100 (Kulzer, Heraeus) was performed as instructed by the manufacturer. 4  
10  $\mu\text{m}$  sections were made on a Reichert-Jung 1140 rotary carrying a disposable Adams steel knife. Sections were stained with 0.1% Ruthenium red (Sigma) in distilled water for 2 minutes at room temperature and photographed on a Zeiss Axioskop using Kodak Professional Ektar 25 film.

15 Seedlings were fixed and dehydrated as above. Technovit 7100 was infiltrated for 1 day. The seedlings were then transferred to a construction of celluloid transparency (Amovis), double-sided tape, transparency, double-sided  
20 tape. In the latter three layers a central region was excised to contain the seedling. Subsequently the seedlings were added in Technovit 7100 solution and the central region was covered by another transparency. Upon overnight polymerisation at room temperature a plastic  
25 platelet containing the seedling was obtained. In order to section embedded seedlings in the platelet, the celluloid sheet material was removed and the platelet was cut to allow longitudinal sectioning of relevant seedling regions. Sectioning, staining and photographing was performed as  
30 described above.

#### Localization of ATH1 expression

The expression of the ATH1 gene was analyzed using RNA-ase protection analysis (Quaedvlieg et al., 1995). High levels  
35 of ATH1 mRNA were detected during early seedling

-20-

development (days 2-6) and in flowers of mature *Arabidopsis* plants. The cellular localization of ATH1 gene expression was determined by introduction of the chimeric ATH1-GUS construct tH1.4 in *Arabidopsis thaliana*. Different tissues 5 were stained with X-gluc, and whole mount preparations and tissue sectioning were made to visualize GUS activity (see below).

**ATH1 expression during vegetative development**

10

The shoot apex of a 5-day-old light-grown seedling is flat and consists of a two-layered tunica enclosing the subjacent corpus. At this stage, the meristem has initiated the primordia of the first leaf pair (Mischke and Brown, 15 1965).

20

In plants transformed with tH1.4, high levels of GUS activity were present in the shoot apex. Sectioning of the shoot apex showed that the high GUS activity is shown in all three layers of the shoot apical meristem and extends through the subapical region, proceeding down to where the vascular strand of the hypocotyl branches into the cotyledons. High levels of GUS activity were also present in the primordia of the first leaf pair.

25

**ATH1 expression during floral transition and inflorescence development**

30

Initially, during the inflorescence phase, the shoot apical meristem gives rise to stem, cauline leaves and secondary inflorescences. As inflorescence development proceeds, the inflorescence meristem produces flower primordia. In plants transformed with tH1.4, GUS activity was downregulated in the inflorescence meristem during the transition phase.

35

There was no GUS activity detectable in the meristem. Low

-21-

levels of GUS activity were present in the rib zone. Later when flowers arose, GUS activity was present in different parts of the young flower (receptacle, sepals and vascular tissue of stamen)

5

#### **EXAMPLE 2**

**Construction of promoter fusions to the ATH1 open reading frame**

10

The ATH1 cDNA is cloned into the unique EcoRI/XhoI restriction sites of the well-known and commercially available pBluescript SK(-) vector (Stratagene).

15   **2.1. A CaMV 35S promoter fusion to the ATH1 open reading frame**

A BamHI/SnaBI fragment containing 1573 nucleotides of ATH1 cDNA sequence (the BamHI site was created by PCR mutagenesis, 35 nucleotides downstream of the translation start) was isolated and inserted into the unique BamHI/SmaI cloning sites of pWP90-vector, which contains a double 35S CaMV promoter and a NOS terminator (see Figure 2), resulting in a transcriptional fusion between the double 35S CaMV promoter and ATH1 cDNA. This construct, called cH1.24, was then cut with SstI/EcoRV restriction enzymes, followed by insertion of the resulting SstI/EcoRV insert in the unique SstI/SmaI restriction sites of binary vector pMOG23 (see Figure 3). The binary construct was called tH1.2. tH1.2 was transformed into competent *Agrobacterium tumefaciens* pGV2260 cells (Caplan et al., 1985) cells. *Arabidopsis* lines (ecotype Col-0) were transformed via vacuum infiltration as described below

2.2 Construction of a CaMV 35S promoter fusion to  
the antisense ATH1 frame

5 An EcoRI/SnaB1 fragment containing approximately  
1830 nucleotides of ATH1 cDNA sequence was  
isolated and inserted into the unique SmaI/EcoRI  
cloning sites of pWP90 vector (see Figure 2),  
resulting in a transcriptional fusion between the  
10 double CaMV 35S promoter and the antisense ATH1  
frame. The resulting construct was called cH1.22.  
An EcoRV/SstI insert of cH1.22 was then cloned  
into the unique SmaI/SacI restriction sites of  
the binary vector pMOG23 (MOGEN) (see Figure 3).  
15 This 'binary' construct, called tH1.1, was  
transformed into competent *Agrobacterium*  
*tumefaciens* LBA4404 cells. *Arabidopsis* lines  
(ecotype C24) were transformed as described  
below.

20

2.3. A heat shock promoter fusion to the ATH1 open reading  
frame

By PCR mutagenesis, an additional BamHI site was  
25 created in pTT19, a vector containing the  
promoter, leader and 77 nucleotides of coding  
sequence of the *Arabidopsis thaliana* Hsp18.2 heat  
shock gene (Takahashi and Komeda, 1989). The  
additional BamHI site is located in the Hsp18.2  
30 untranslated leader at nucleotide -710 of the  
Hsp18.2 translational start.

By restriction digestion with BamHI the 5'  
untranslated leader and 77 nucleotides of Hsp18.2  
35 coding sequence were removed. The remaining

-23-

construct was called leaderless pTT19. A HindIII/BamHI fragment of this leaderless pTT19, containing only Hsp18.2 promoter sequence, was fused to a BamHI/EcoRI fragment containing the 5 entire ATH1 cDNA sequence, which results in a transcriptional fusion of Hsp18.2 promoter with ATH1 5' untranslated leader and coding sequence. The BamHI and EcoRI sites were created by PCR mutagenesis, resulting in a BamHI restriction 10 site at the beginning of the ATH1 cDNA sequence and a EcoRI restriction site immediately downstream of the TAA stop codon. The resulting HindIII/EcoRI fragment was inserted into the unique HindIII/EcoRI restriction sites of pWP90 15 vector. (see Figure 2) and this new construct was then partially digested with HindIII and EcoRV restriction enzymes. The largest HindIII/EcoRV restriction fragment was then inserted into HindIII/SmaI cut binary vector pBIN 19 (Frisch et al., 1995). This construct was called HspH1.

A transcriptional fusion between Hsp18.2 promoter and ATH1 coding sequence without leader sequence was also made. In ATH1 cDNA an extra BamHI site 25 was created by PCR mutagenesis immediately upstream of the translational start. Digestion of this BamHI site combined with digestion of the unique XhoI site in ATH1 cDNA results in a fragment of approximately 680 nt, containing ATH1 30 coding sequence. This fragment of 680 nucleotides was swapped with an approximately 980 nucleotides large fragment that is formed after digestion of HspH1 with BamHI/XhoI restriction enzymes. This 35 results in HspH1B, a transcriptional fusion between leaderless ATH1 coding sequence and the

Hsp18.2 promoter.

Both HspH1 and HspH1B were transformed to competent *Agrobacterium tumefaciens* LBA4404 cells. *Arabidopsis* lines 5 (C24 ecotype) were transformed as described below.

**2.4 Fusion of the pea plastocyanin promoter to  
the ATH1 open reading frame**

10 A transcriptional fusion between pea plastocyanin promoter and ATH1 coding sequence can be made by insertion of ATH1 coding sequence into the unique BamHI and SalI restriction sites of pVDH275 (Pwee and Gray, 1993; Last and Gray, 1989) (see also 15 Figure 4). In ATH1 coding sequence additional SalI (immediately upstream of ATH1 start ATG) and BamHI (immediately after ATH1 stop TAA) restriction sites can be created by PCR mutagenesis. The resulting construct in which 20 ATH1 coding sequence is inserted between pea plastocyanin promoter and *Agrobacterium* nos terminator, can be transformed to *Agrobacterium tumefaciens* cells, followed by plant transformation.

25

**Introduction of extra ATH1 copies in *Arabidopsis***

Extra copies of ATH1 can be introduced in *Arabidopsis* plants by transforming them with 30 extra ATH1 loci containing ATH1 promoter and ATH1 coding sequence. This can be done by fusion of the approximately 1000 nucleotides large SnaBI/NcoI fragment of ATH1 cDNA to the approximately 250 nucleotides large SstI/EcoRI 35 restriction fragment of pBI101.1, containing the

-25-

Agrobacterium nos terminator (Jefferson et al., 1987). The resulting fragment can be fused to the approximately 3.5 Kb large NcoI restriction fragment of ATH1 genomic clone (Quaedvlieg et al., 1995). The so formed approximately 4750 nucleotides large NcoI/EcoRI fragment, containing ATH1 promoter, ATH1 coding sequence and nos terminator, can be inserted into NcoI/EcoRI cut pMTL23 cloning vector (Chambers et al., 1988). A StuI/EcoRI restriction fragment of the resulting construct can then be inserted into EcoRI/SmaI cut pMOG23 binary vector, Agrobacterium cells can be transformed, subsequently followed by plant transformation.

15

#### EXAMPLE 3

Influencing flowering characteristics using a CaMV 35S promoter/ATH1 gene fusion

20 Measurement of flowering time

Flowering time was measured by counting the number of leaves, excluding the cotyledons, in the rosette at the time the flower bud was visible. A close correlation 25 between leaf number and flowering time has been previously demonstrated (Koornneef et al., 1991; Bagnall (1993)).

Overexpression of ATH1 leads to delayed flowering.

30 In order to gain more insight into the role of ATH1 in plant development, the full length ATH1 cDNA sequence was fused to the constitutive 35S promoter of cauliflower mosaic virus and the 35S::ATH1 chimeric gene so produced was transformed into *Arabidopsis* Col-0 ecotype via the

vacuum infiltration method. Six independent primary transformants were obtained.

All these transgenic lines were selfed. From each  
5 independent transgenic line 40 individual seeds were germinated on soil and scored for altered phenotypes compared to wild-type plants. Four out of six lines showed a phenotype altered in respect of flowering time. In three of these lines all plants were late flowering (about  
10 14 rosette leaves up to flowering compared with about 10 rosette leaves in wild-type Col-0 plants). In the remaining line about 85 % of the plants showed this same late flowering phenotype, while 15 % of the plants showed an early flowering phenotype (after about 7 rosette  
15 leaves), as tested due to the absence of ATH1 RNA. These early flowering plants also show a terminal flower phenotype, often with incomplete flowers and mutant flower organs.

20 EXAMPLE 4

**Early flowering by antisense expression of ATH1**

Like ectopic overexpression of ATH1, inhibiting the ATH1 gene function can also be used to influence time of  
25 flowering. Inhibition of gene function was effected by constitutive overexpression of antisense ATH1.

Full length antisense ATH1 cDNA was fused to the constitutive 35S promoter of cauliflower mosaic virus and  
30 the 35S::antisense ATH1 chimeric gene so produced was transformed into *Arabidopsis* C24 ecotype via the Valvekens root transformation protocol. Twenty-two independent transformants were obtained and all of them were selfed. From each line 10 individual seeds were germinated on soil  
35 and scored for altered phenotypes compared to wild-type C24

-27-

plants. In five of these lines, the plants showed an early flowering phenotype: flowering started after formation of between six and ten rosette leaves compared to about twenty leaves in wild-type plants.

5

#### **EXAMPLE 5**

Altering flowering time in *Nicotiana tabacum* by  
10 overexpression of ATH1

As in *Arabidopsis*, ectopic overexpression of ATH1 cDNA (driven by the 35S promoter of cauliflower mosaic virus) in tobacco (*Nicotiana tabacum* cv. Samsun) also led to a  
15 delay in flowering time compared to wild-type tobacco. In 35S::ATH1 tobacco plants, flowering was delayed by weeks or months. These plants were also dwarfed. This dwarf habit, like the flowering phenotype, is clearly correlated with the level of expression of the transgene. In the severest  
20 case plants did not flower at all and only reached one-fifth of their normal height, whereas in less severe cases plants were delayed in flowering for only one or two weeks and reached about four-fifth of their normal height. Leaf number and shape were normal in all these transformed  
25 plants.

#### **EXAMPLES 6-8**

The following Examples illustrate the effect of GA on transgenic plants according to the invention. As noted  
30 above, ATH1 overexpression effectively represses bolting (floral induction). We hypothesised that ATH1 may be a repressor of GA synthesis or the GA response pathway (we think the former). The following Examples demonstrate and support this hypothesis.

**General Methods**

Tobacco plants (*Nicotiana tabacum* L. cv. Samsun NN) were transformed using the leaf disk procedure (Horsch et al., 5 1985). Transgenic plants were selected on MS-medium (Murashige and Skoog, 1962) containing 300 mg/ml kanamycin and 2% sucrose. After transfer to soil plants were grown in a greenhouse at 22 °C under a light regime of 16 hours daylight when necessary supplemented with artificial light. 10 The effects of gibberellin (GA) were tested by foliar applications (spraying) of 100mM GA<sub>3</sub> in a solution containing 100ml/l of Triton X-100. Control plants were sprayed with a solution containing only 100ml/l of Triton X-100. Spraying began 60 days after sowing when the wild-type plants were approximately 5 cm tall and the 35S 15 CaMV::ATH1 plants approximately 2.5 cm tall, and continued at 3- to 4- day intervals. Plant height was measured every 3 to 4 days and this will be continued until the onset of flowering, as determined by the appearance of flower 20 primordia.

**EXAMPLE 6**

Constitutive overexpression of sense ATH1 leads to delayed flowering.

25

**6.1 ATH1 over-expression in tobacco**

In order to express the ATH1 gene constitutively in transgenic plants, its coding region was put under the 30 control of the 35S CaMV promoter and the resulting construct was transformed to tobacco (*Nicotiana tabacum* cv. Samsun NN). Forty independent kanamycin-resistant plants were obtained, of which only five showed detectable transgene expression. ATH1 mRNA levels varied from high in 35 H1OE#4, #10 and #30 plants to intermediate/low levels in

-29-

H1OE#35 and #37 plants. Depending on ATH1 expression level, flowering of these plants was delayed by weeks up to months, when compared to wild-type plants, which flower after 3-5 months depending on the season. In the severest 5 case (H1OE#4) plants never flowered until senescence (>15 months after sowing). H1OE#10 and #30 plants, which show high ATH1 expression, flowered after 15 months, while plants showing the intermediate/low overexpression, H1OE#35 and 37, did not flower until after 6 months. As well as 10 altered flowering-time phenotype, ATH1 overexpressor plants show reduced stem growth, resulting in dwarfed plants. Here there is a clear correlation between severity of the dwarf growth phenotype and the level of transgene expression (see Figure 5). In the severest case plants only reach about 15 one-fifth of their normal height. The leaf number varies from two times higher than wild type to normal in all transgenes.

#### 6.2 ATH1 overexpression can be reversed by GA3

20 ATH1 overexpression phenotypes can be reversed to a wild-type phenotype by application of GA3. Foliar application of GA3 to the tobacco plants of Example 6.1 (spraying of 100 mM GA3 at three to four day intervals) results in 25 complete restoration of the wild-type stem length (Figure 6). This holds also true for the late-flowering phenotype (data not shown).

#### EXAMPLE 7

30 ATH1 over-expression in *Arabidopsis*

In order to gain more insight into the role of ATH1 in plant development, the full length ATH1 cDNA was fused to 35 the constitutive 35S promoter of cauliflower mosaic virus

-30-

and the 35S::ATH1 chimeric gene was transformed into *Arabidopsis* via the vacuum infiltration method. Six independent primary transformants could be obtained and all transgenic lines were selfed. From each independent 5 transgenic line 40 individual seeds were germinated and scored for altered phenotypes compared to wild type plants. Four out of six lines showed an altered phenotype in respect of flowering time. Seeds from these lines did not germinate well and if they did plants were arrested in a 10 seedling stage. Both effects could be overcome by transferring the plants to growth medium containing 10-5 M GA3 and growing them on this medium for three days. Once rescued and transferred to soil plants developed normally, except for a late flowering phenotype. Under short day 15 conditions transgenic plants form much more rosette leaves (vegetative leaves) than wild type plants (about 40 rosette leaves and 100 days after germination, and plants are still not flowering, compared to about 30 rosette leaves in wild-type plants until flowering). Under LD conditions in most 20 of these plants a partial generative to vegetative reversion occurs, shown by the formation of aerial rosettes (vegetative leaves) on the inflorescence stem. Plants (C24 ecotype) containing an extra copy of the ATH1 cDNA under control of the Hsp18.2 heat shock promoter (HspH1B 25 plants) also show a late-flowering phenotype. Even without a heat shock (it is known that this promoter has a basal activity without induction) plants harboring this construct flower much later under LD conditions than wild-type plants (30.5 rosette leaves formed in wild-type vs. 61 rosette 30 leaves formed in HspH1B plants - see Figure 7).

**EXAMPLE 8**

Early flowering by antisense expression of ATH1

Like ectopic overexpression of ATH1, knocking out the ATH1 gene function can also give insights into the function of ATH1 in plant development. Knocking out gene function was established by constitutive overexpression of antisense ATH1. Full length antisense ATH1 cDNA was fused to the constitutive 35S promoter of cauliflower mosaic virus and the 35S::antisense ATH1 chimeric gene was transformed into *Arabidopsis* C24 ecotype via the Valvekens root transformation protocol. Twenty-two independent transformants were obtained and all of them were selfed. From each line 10 individual seeds were germinated on soil and scored for altered phenotypes compared to wild type C24 plants. In five of these lines plants showed an early-flowering phenotype: flowering started after formation of about ten rosette leaves compared to about thirty leaves in wild type plants (see Figure 7).

**Example 9**

## Shade avoidance response

When plants grow in close proximity shade avoidance syndrome, in which plants react to lowered red/far-red ratios of light caused by filtering out red light by leaf canopy, is manifested. This results in a rapid and dramatic increase in the extension growth of stems and petioles at the expense of leaf growth, storage organ production, and reproductive development, thereby causing a decrease in harvest index (where harvest index is expressed as leaf biomass as a proportion of total biomass).

The shade avoidance response is thought to be predominantly mediated by phytochrome B and overexpression of phytochrome has been shown to eliminate the shade avoidance response, resulting in an increase of harvest index of field-grown tobacco (Robson et al., 1996).

Lack of phytochrome B also leads to loss of shade avoidance response and under inductive conditions this even results

-32-

in a reduction of stem elongation compared with non-inductive conditions.

In the laboratory, situations causing the shade avoidance response can mimicked by addition of different fluence rates of far-red light (Frc) to continuous white light (Wc). Under these conditions wild-type *Arabidopsis* plants (C24 wt) show a typical shade avoidance response (elongated hypocotyls in Wc + Frc compared with hypocotyl length in Wc only), whereas the phytochrome B photoreceptor mutants, which lack the shade avoidance response, exhibited an opposite response (decrease of hypocotyl length). The antisense AtH1 plants also show a reduction in hypocotyl length and in the most severe antisense plants (asAtH1#3) this reduction is similar to that seen in phyB mutants. So, it can be concluded that like lack of active phytochrome B loss of Ath1 results in loss of the shade avoidance response.

Shade avoidance analysis of antisense AtH1 plants (asAtH1), C24 wild-type plants (C24 wt) and the phy B photoreceptor mutant (phyB) is listed below. Seedlings were grown for 2 days in continuous white light followed by 4 days in the same light regime or by 4 days in white light supplemented by far-red light. The hypocotyl length was measured after 6 days of growth. The following results were generated.

25

C24wt	Wc	=	hypocotyl length	5.5 mm
	Wc + Frc	=	hypocotyl length	7.5 mm

Phy B	Wc	=	hypocotyl length	9.5 mm
	Wc + Frc	=	hypocotyl length	7.3 mm

Anti-sense	Wc	=	hypocotyl length	9.0 mm
AtH1#3	Wc + Frc	=	hypocotyl length	5.0 mm

Anti-sense	Wc	=	hypocotyl length	9.8 mm
------------	----	---	------------------	--------

-33-

AtH1#7        Wc + Frc    =    hypocotyl length    8.0 mm

Anti-sense    Wc            =    hypocotyl length    7.5 mm

AtH1#23        Wc + Frc    =    hypocotyl length    7.0 mm

**Literature cited :**

- 5 Bagnall, 1993: Ann. Bot. 71:75-83  
Bechtold et al., 1993: C. R. Acad. Sci. Paris,  
Life Sciences 316:1194-1199  
Bent et al., 1994: Science 265:1856-1960  
Caplan et al., 1985: J. Bacteriology 161:655-664
- 10 Chambers et al., 1988: Gene 68:139-149  
Frisch et al., 1995: Plant Mol. Biol. 27:405-409  
Gelvin and Schilperoort, 1988: Plant Molecular  
Biology Manual:Dordrecht: Kluwer Academic  
Publisher.
- 15 Jefferson et al., 1987: EMBO J. 6:3901-3907  
Koornneef et al., 1991:Mol. Gen. Genet. 229:57-66  
Last and Gray, 1989: Plant Mol. Biol. 12:655-666  
Mandel and Yanofski, 1995: Nature 377:523-524  
Putteril et al., 1995: Cell 80:847-857
- 20 Pwee and Gray, 1993: Plant J. 3:437-449  
Quaedvlieg et al.,1995:The Plant Cell 7:117-129  
Shannon and Meeks-Wagner, 1991: The Plant  
Cell:877-892  
Takahashi and Komeda, 1989: Mol. Gen. Genet.  
25 219:365  
Takahashi et al., 1992: Plant J. 2:751-761  
Weigel and Nilsson, 1995: Nature 377:495-500
- Horsch, R., Fry, F., Hoffman, N., Eichholtz, D.,  
30 Rogers, S. and Fraley, R. (1985). A simple and  
general method for transferring genes into plants.  
Science 227, 1229-1231.
- Murashige, T. and Skoog, F. (1962). A revised  
35 medium for rapid growth and bioassays with tobacco

-35-

tissue cultures. *Physiol. Plant.* 15, 473-479.

Robson, P.R.H., McCormac, A.C., Irvine, A.S., and Smith, H. (1996). Genetic engineering of harvest index in tobacco through overexpression of a phytochrome gene. *Nature Biotechnology* 14(8), 995-998.

Wilson, R.N., Heckman, J.W., and Sommerville, C.R. (1992). Gibberellin is required for flowering in *Arabidopsis thaliana* under short days. *Plant. Phys.* 100, 403-408.

**WE CLAIM:**

1. A process for modifying flowering in plants which comprises transforming the plants with a construct comprising a complete or partial DNA sequence coding for an ATH1 gene product under the control of a promoter functional in plants.
2. A process as claimed in claim 1 whereby the flowering process in plants is promoted by transforming the plants using a construct that inhibits the production of ATH1 protein.
3. A process as claimed in claim 2 in which the construct is adapted to express RNA antisense to RNA produced by the ATH1 gene.
4. A process as claimed in claim 1 whereby the flowering process in plants is retarded by transforming the plants using a construct that promotes the production of recombinant ATH1 protein.
5. A plant gene construct useful in the process of claim 1 which comprises a complete or partial DNA sequence coding for an ATH1 gene product under the control of an inducible promoter functional in plants.
6. A plant gene construct useful in the process of claim 2 which comprises a complete or partial DNA sequence coding for an ATH1 gene product under the control of an promoter functional in plants, which product inhibits the production of ATH1 protein.
7. A plant gene construct as claimed in claim 6 in which the gene product is antisense RNA.

8. Transformed plant cells containing constructs claimed in any of claims 5-7.
9. A plant containing plant cells claimed in claim 8.
10. A genetically modified plant produced by the process claimed in any of claims 1-4.
11. A plant claimed in claims 9 or 10 which is a crop plant.
12. A plant as claimed in claim 11 which is rice, maize, wheat, barley, oats, rye, lettuce, endive, oilseed rape (canola), sugar beet, sunflower, soya or sorghum.
13. A process for inhibiting over-expression of ATH1 in plants claimed in any of claims 9-12 which comprises treating the plants with a gibberellin.
14. A process as claimed in claim 13 in which the gibberellin is A3 or A4/A7.
15. A plant in which the shade avoidance response is inhibited by the action of a transgene coding for a gene product that inhibits the formation of ATH1 protein.
16. A plant as claimed in claim 15 in which the transgene is a construct adapted to express antisense RNA.
17. A process for producing a plant as claimed in claims 15 or 16 which comprises:  
transforming cells of a plant showing a shade avoidance response with a plant gene construct claimed in claim 7; and regenerating plants from said transformed plant cells.

twr

5 July 1999

09/423575

WO 98/51800

PCT/IB98/00821

1/9

10      20      30      40      50      60  
ATTTAGTTAAATGTTGCTATTGTTGATCTAGTGCTCTGAATCTTTAGTGAGGCAG  
70      80      90      100     110     120  
ATGATGAAAGATTATGAATTTCCTCATGAAATTATTGTAAGAAAAGAACATAGGAAGCT  
130     140     150     160     170     180  
GGGGAATGAAAGTACACTGTTCTCACGGAGAAAAGATAATAAGCATTATCTTCTT  
190     200     210     220     230     240  
CTTCAGTTAACACACATTGGAAATTGATGTAATAAATTCTCTTGGAACGRTGT  
250     260     270     280     290     300  
GTTGTCGTGAAATCTCCCAAAGGTCTATCAGAAGAAGGATAAAGTTCATAGAAC  
310     320     330     340     350     360  
CCAATGGACAAACAACAAACAACACTTTAGTTCTGATAATGTCATGACTAAC  
370     380     390     400     410     420  
CAAAATCCTCTTCTCATGGATTATAACCTCAAGAGAAAGATCAACTCACTTCATAACA  
430     440     450     460     470     480  
ATGCTTCCATGGAAATACCATCAGATCAGATCCTACAAATGGGTGGCTTTGATAATTTC  
490     500     510     520     530     540  
AATTCTATGCTGACTAACAAATACTTATCATCTTCTCACGGTCTATCGATGTTCAAGAT  
550     560     570     580     590     600  
AACCGCAAATGTTGAGTTCATGGCTCCTCATCCTCCTCCACTTCATCCTTGAT  
610     620     630     640     650     660  
GATTAAAGACACTATGATGATGAAACACATGTGGGTGTTGAAGCAAATAAGTGA  
670     680     690     700     710     720  
TTTCAGGCATTTCAGGTGTTAGTTGGTCCAAGTGAACCAATGATGTCATCCGGTGA

FIG. 1

09/423575

PCT/IB98/00821

WO 98/51800

2/9

## FIG. 1 (CONT'D)

	730	740	750	760	770	780
	GAAGATTCCCGTTCTAATTCGAATAAGAACAAATGAGCTTCAATTGAGTCCTGCA					
	790	800	810	820	830	840
	TCAGATGTTCTGATGAATGCTCGGAGATAAAGTCTTGTGCAGGCTACAAGATTAGCCTCA					
	850	860	870	880	890	900
	GAGGCAAGCTTCTTGAGGCAAGAACATTCTAATAACGTTACTCAAGGGTTCTCT					
	910	920	930	940	950	960
	CAACTTATTTGGCTCAAATAACCTTCACACTCTGTCAAGAAATACTATCTCATTCGCC					
	970	980	990	1000	1010	1020
	GCATACTCGCTCGGATTATTCACTCGAGGAACCGAGTCAGGAGCTGCTAGTTCAAGCCTT					
	1030	1040	1050	1060	1070	1080
	ACTTCACGTTTGAGAAATAACTGAGTTCTTGATGGTGAATTCTAAATAACTCGGAGGCG					
	1090	1100	1110	1120	1130	1140
	GGTTTCGGATCTACATTCAAGGAGGCCATTAGAACCAAAGAAAACCCATCTCTGGAT					
	1150	1160	1170	1180	1190	1200
	CTTCCTCAAATGGTGGATGATCGATATAAGTCATTGGTAGATGAGATTCATAAGGGTTATA					
	1210	1220	1230	1240	1250	1260
	TCAGGGTCCATGCTGCAACCGAGTTAGATCCACAGTTACACACCCGGTTGCCCTCCAA					
	1270	1280	1290	1300	1310	1320
	ACCGTTCCCTTCTTACAAAGAACCTGAGAGAGAGAATCTGCAATAATAATCTCTATG					
	1330	1340	1350	1360	1370	1380
	GGATCTGTATTGGAGAGGGCAAAAGAACAAAGACTCAAGAACCCCTATGTTCCACCAGCAT					
	1390	1400	1410	1420	1430	1440

09/423575

PCT/IB98/00821

WO 98/51800

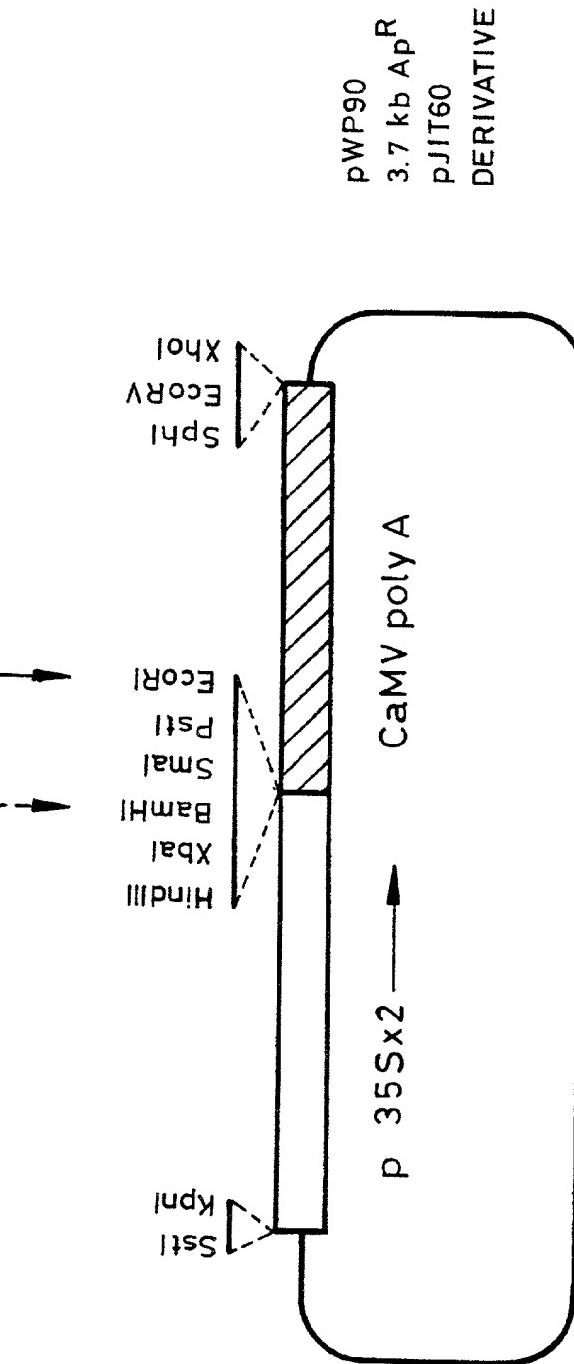
3/9

TGCCCTCTTCAAGCAGCTGAAACGAAAGAACCATCAGATTGGAGACCTCAACGAGGTTTG  
 1450 1460 1470 1480 1490 1500  
 CCTGAGAAATCTGTTTCGGTTCTACGGAAATTGGATGTTCCAAAACCTCCTCACCCCTTAC  
 1510 1520 1530 1540 1550 1560  
 CCGAAAGATTGGAGAAACATCTTAGCTATAACGAAAGTGGCTTGACAAGAAGTCAGGTAA  
 1570 1580 1590 1600 1610 1620  
 TCAAACCTGGTTTATAATTGGCGGGTTAGGCTATGGAAAGCCGATGATAAGAGATGTAT  
 1630 1640 1650 1660 1670 1680  
 GCGGAAATGAACAAAGAGGAAGGCTCAATAACAGTCACATTCAACCCAAACGGACCAACTCTT  
 1690 1700 1710 1720 1730 1740  
 CGAATGCCAAAAATCTGTTATGATGGAGCCAAGGAATGCATAAATAAGACAAACAATTGTGTT  
 1750 1760 1770 1780 1790 1800  
 TACCAACTTTGTGATAATTAGGCAATTGGTACTCTATGATTGGCCAAAACCTAAACCATG  
 1810 1820 1830 1840 1850 1860  
 TACGACTATCATACGTATGTATAATTGTATATAACACTCCTTATCTTGACTATTTG  
 1870 1880 1890 1900  
 ATTTTATTAAAAAA

FIG. 1 (CONT'D)

4 / 9

FIG. 2



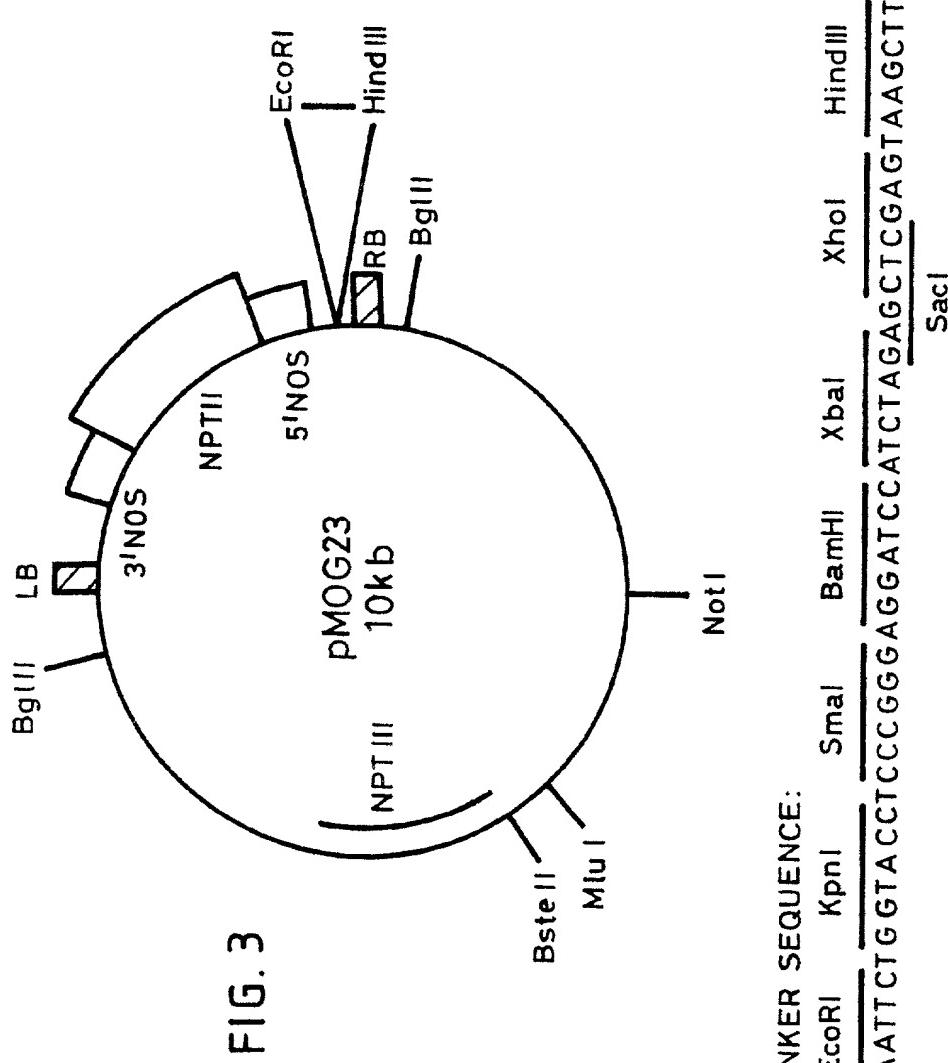
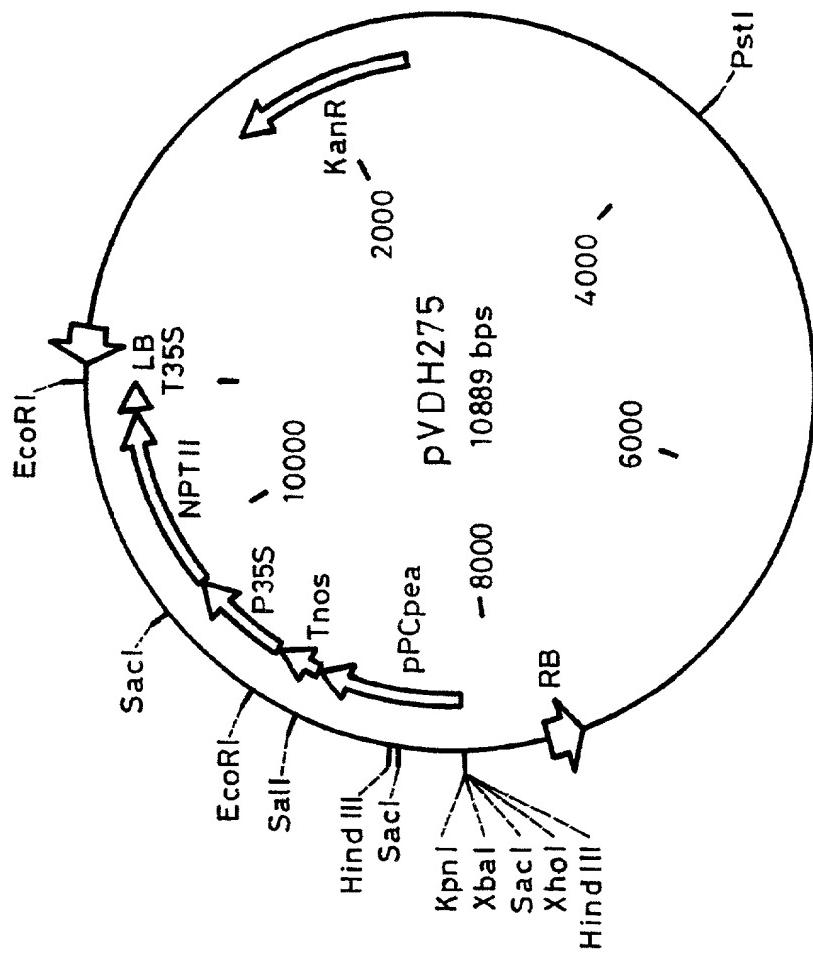


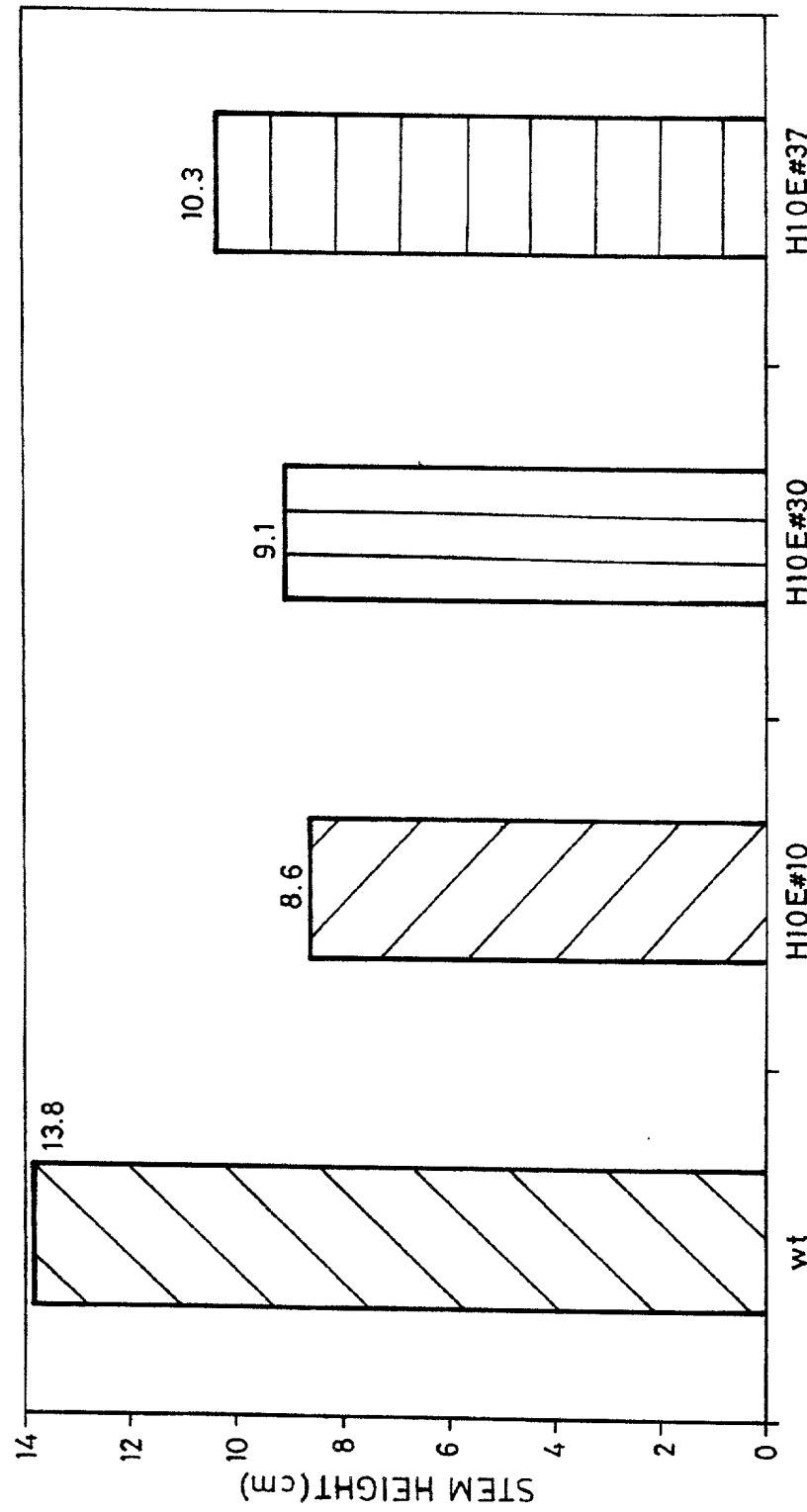
FIG. 3

FIG. 4

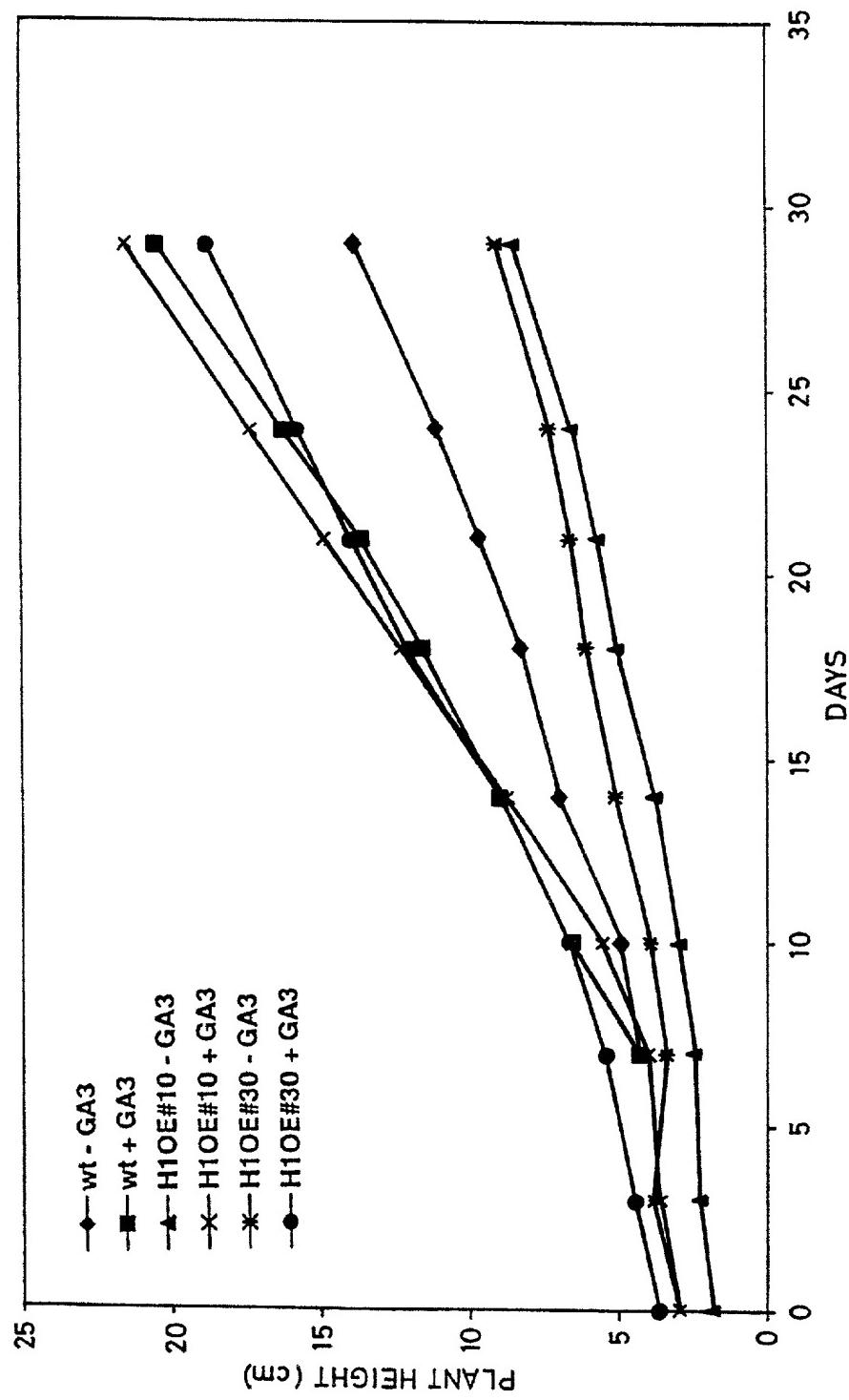


7/9

FIG. 5 *Ath1* OVEREXPRESSION CAUSES A REDUCTION IN STEM ELONGATION

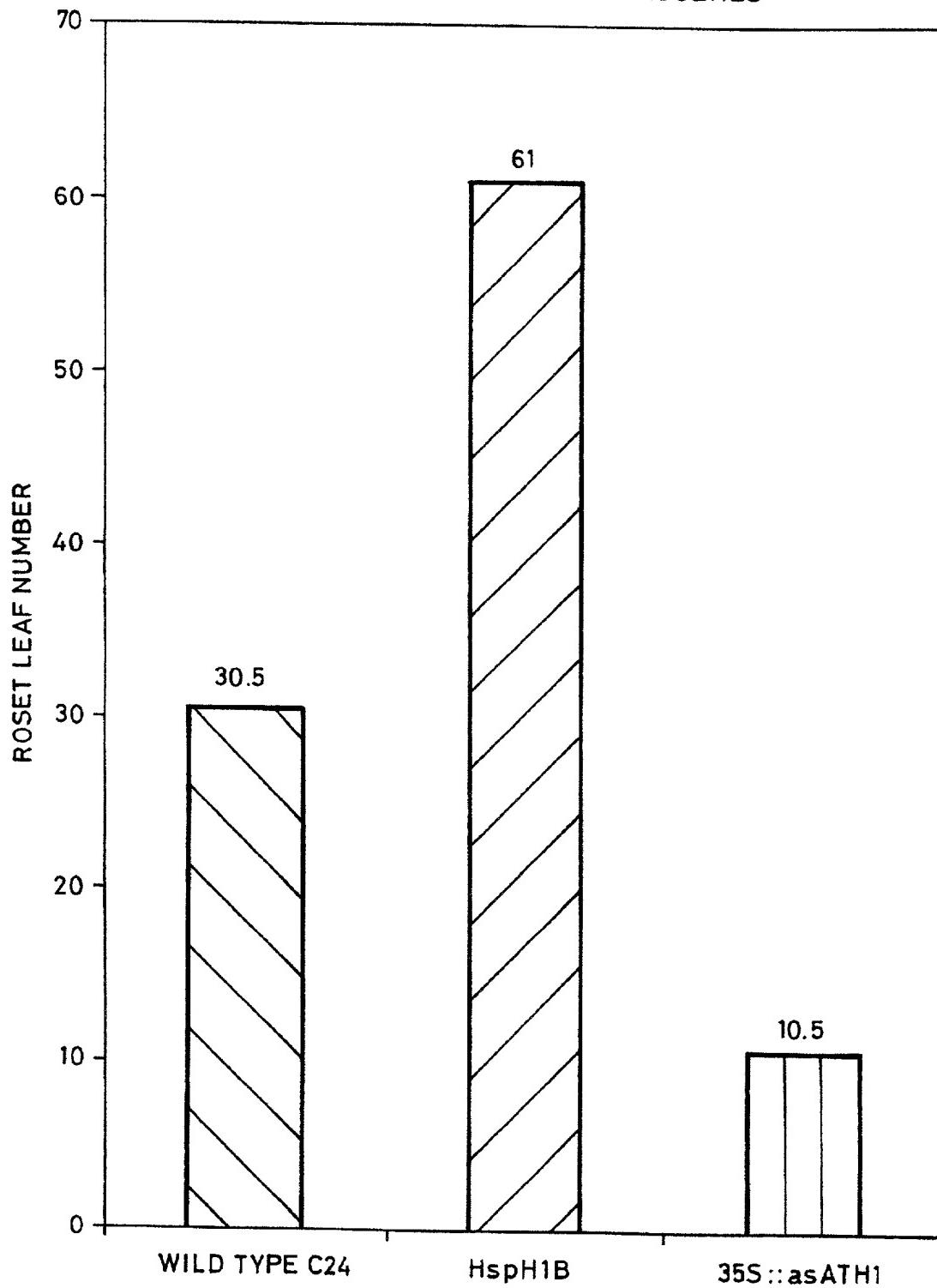


8/9

FIG. 6 REVERSION OF *ATH1* OVEREXPRESSION PHENOTYPE BY GA3

9 / 9

FIG. 7  
FLOWERING TIME OF ATH1 TRANSGENES



PLEASE NOTE  
NOTICE  
COMPLETED THE  
FOLLOWING

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

ATTORNEY DOCKET NO  
ARNO-1-14646

Insert title

Check Box If  
Appropriate —  
For Use Without  
Specification  
Attached

As a below named inventor, I hereby declare that; my residence post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Plant gene constructs and their use

the specification of which is attached hereto unless one of the following boxes below is checked:

- The Specification was filed on May 14, 1998 as xxxxxx application No. PCT/IB98/00821.  
 was filed as PCT international application number \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Priority Claimed

<u>9709789.3</u> (Number)	<u>United Kingdom</u> (Country)	<u>May 14 1997</u> (Month Day Year Filed)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>9727458.3</u> (Number)	<u>United Kingdom</u> (Country)	<u>December 30 1997</u> (Month Day Year Filed)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Month Day Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Month Day Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Month Day Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months Prior To The Filing Date of This Application:

Country	Application No.	Date of Filing (Month Day Year)
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application;

(Application Serial No.)	(Filing Date)	(Status patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status patented, pending, abandoned)

10 Rec'd PCT/PTO 27 JAN 2000

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Applicants: S. Smeekens et al. Attorney Docket No. ARNO114646  
3 Serial No.: 09/423,575 PCT Application No. PCT/IB98/00821  
4 Filed: November 9, 1999 PCT Filed: May 14, 1998  
5 Title: PLANT GENE CONSTRUCTS AND THEIR USE

6 ASSOCIATE POWER OF ATTORNEY

7 Seattle, Washington 98101  
8 January 21, 2000

9 TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

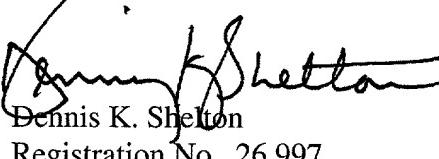
10 Daiva K. Tautvydas, Reg. No. 36,077 is hereby granted an associate power of attorney with full  
11 power to prosecute the above-identified application and to transact all business in the United States  
12 Patent and Trademark Office connected therewith. Direct all telephone calls to Daiva K. Tautvydas at  
13 telephone number 206.695.1727.

14 Please address all further correspondence relating to this application to:

15 CHRISTENSEN O'CONNOR JOHNSON & KINDNESS<sup>PLLC</sup>  
16 1420 Fifth Avenue  
17 Suite 2800  
18 Seattle, WA 98101-2347

19 Respectfully submitted,

20 CHRISTENSEN O'CONNOR  
21 JOHNSON & KINDNESS<sup>PLLC</sup>

22   
Dennis K. Shelton  
23 Registration No. 26,997  
24 Direct Dial No. 206.695.1718

25 DKS:clf

11

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary.

Bruce E.O'Connor, Reg. No. 24,849; Lee E.Johnson, Reg. No. 22,946;  
Gary S. Kindness, Reg. No. 22,178; James W. Anable, Reg. No. 26,827;  
James R.Uhlir, Reg. No. 25,096; Jerald E. Nagae, Reg. No. 29,418;  
Michael W. Bocianowski, Reg. No. 28,692; Michael G.Toner, Reg. No. 27,601;  
Thomas F. Broderick, Reg. No. 31,332; Ronald M. Anderson, Reg. No. 28,829;  
Dennis K.Shelton, Reg. No. 26,997; and the firm of Christensen,  
O'Connor, Johnson & Kindness.

PLEASE NOTE  
YOU MUST  
COMPLETE THE  
FOLLOWING:

Send Correspondence to:  
**CHRISTENSEN, O'CONNOR, JOHNSON & KINDNESS**  
**2800 Pacific First Centre**  
**1420 Fifth Avenue**  
**Seattle, WA 98101-2347**  
**Tel. No. (206) 682-8100**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor:  
 Insert Name of Inventor  
 Insert Date This Document is Signed  
 Insert Residence  
 Insert Citizenship

Insert Post Office Address

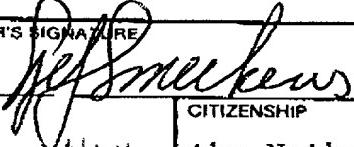
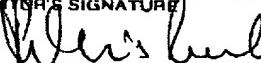
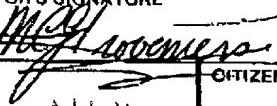
Full Name of Second Inventor, if any:  
 see above

Full Name of Third Inventor, if any:  
 see above

Full Name of Fourth Inventor, if any:  
 see above

Full Name of Fifth Inventor, if any:  
 see above

\*Note: Must be completed  
— date this document is signed.

GIVEN NAME		FAMILY NAME	INVENTOR'S SIGNATURE	'DATE
<u>Sjef</u>		<u>SMEEKENS</u>		<u>20.01.2000</u>
RESIDENCE (City State & Country)				CITIZENSHIP
<u>Driebergen</u> the Netherlands		<u>NLX</u>		the Netherlands
POST OFFICE ADDRESS (Complete Street Address including City State & Country)				
<u>Van Westrenenlaan 7, NL-3971 AE Driebergen, the Netherlands</u>				
GIVEN NAME		FAMILY NAME	INVENTOR'S SIGNATURE	'DATE
<u>Peter</u>		<u>WEISBEEK</u>		<u>20.01.2000</u>
RESIDENCE (City State & Country)				CITIZENSHIP
<u>Den Dolder</u> the Netherlands		<u>NLX</u>		the Netherlands
POST OFFICE ADDRESS (Complete Street Address including City State & Country)				
<u>Baarnseweg 49, NL-3734 CA Den Dolder, the Netherlands</u>				
GIVEN NAME		FAMILY NAME	INVENTOR'S SIGNATURE	'DATE
<u>Marcel</u>		<u>PROVENIERS</u>		<u>20.01.2000</u>
RESIDENCE (City State & Country)				CITIZENSHIP
<u>Utrecht</u> the Netherlands		<u>NLX</u>		the Netherlands
POST OFFICE ADDRESS (Complete Street Address including City State & Country)				
<u>Kampereiland 11, NL-3524 CZ Utrecht, the Netherlands</u>				
GIVEN NAME		FAMILY NAME	INVENTOR'S SIGNATURE	'DATE
RESIDENCE (City State & Country)				CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City State & Country)				
GIVEN NAME		FAMILY NAME	INVENTOR'S SIGNATURE	'DATE
RESIDENCE (City State & Country)				CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City State & Country)				